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Attorneys for the  
United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES BARRETT,  
Defendant.

CASE NO. 1:22-CR-00213-ADA-BAM

JOINT STATUS REPORT

**BACKGROUND**

The most recent status conference in this case occurred on January 11, 2023. Doc. 33. At that hearing, defense counsel requested that the Court set a status conference for February 8, 2023 to review discovery from the government and to continue investigation. *Id.* The Court set the matter for a status conference on February 8, 2023 and found good cause to exclude the period between January 11, 2023 and February 8, 2023 under the Speedy Trial Act. *Id.* The Court set a tentative trial date for May 31, 2023. *Id.*

The Court had previously excluded time under the Speedy Trial Act based on representations from defense counsel that additional time was necessary despite the defendant's request to set a trial date. Doc. 25.

On January 23, 2023, the Court issued a minute order directing the parties to submit a joint status report “informing the court of the status of the case, including whether any change of plea is anticipated, a proposed next date for a status conference or change of plea, and whether defendant agrees to exclude time to the next date.” Doc 37. The parties’ response appears below.

**STATUS REPORT**

The parties do not anticipate a change of plea. The parties are in preparation for the May 31, 2023 trial date and confirm that no other trial date is consistent with counsel's ability to prepare for, and effectively present the case at trial. Counsel's trial preparation includes review of evidence, interviewing witnesses, and consulting with potential experts. Finally, due to the defense counsel's trial schedule, this is the earliest that the parties can be available for trial.

Defendant may not personally consent to exclusion of time under the Speedy Trial Act.

Nonetheless, the parties therefore request that the status conference remain as previously set on February 8, 2023. Additionally, the parties request to proceed to trial on May 31, 2023 and exclude time up to trial under the Speedy Trial Act. The parties calculate that approximately 55 days remain of the Speedy Trial Act’s 70-day period.

Respectfully submitted,  
PHILLIP A. TALBERT  
United States Attorney

Dated: February 1, 2023

By: /s/ Michael G. Tierney & Arin Heinz  
Michael G. Tierney & Arin Heinz  
Assistant United States Attorneys

Dated: February 1, 2023

By: /s/ Timothy P. Hennessy & David Torres  
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